

Appl. No. 10/763,718
Amdt. and Resp. dated March 10, 2006
Attorney Docket No. M005Z/281291
Reply to Office action of Feb. 2, 2006

REMARKS

The undersigned thanks Examiner Sang for thoroughly reviewing the present application.

In a February 2, 2006 final Office action (the "Office Action"), the Examiner allowed claims 13-20, rejected claims 1-3 and 5 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,659,029 ("Rodriguez '029"), rejected claims 8, 10-12 and 21 under 35 U.S.C. §103(a) as unpatentable over Rodriguez '029 in view of U.S. Patent No. 6,305,634 ("Rodriguez '634"), and indicated that claims 4, 6-7 and 9 would be allowable if rewritten in independent form.

Upon entry of the present amendment, claims 1-21 are pending, with claims 1, 4, 6 and 21 being amended. No new matter has been added by this amendment. Based on the above amendments and the below remarks, the undersigned is of the opinion that all pending claims are in a condition of allowance, and respectfully requests that the Examiner issue a notice of allowance in accordance with the same.

§103 Rejections

On pages 2-4 of the Office Action, the Examiner rejects claims 1-3 and 5 under §103 as unpatentable over Rodriguez '029 and rejects claims 8, 10-12 and 21 under §103 as unpatentable over Rodriguez '029 in view of Rodriguez '634. The undersigned respectfully traverses these rejections and requests reconsideration and withdrawal thereof.

To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. See M.P.E.P. § 2142.

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Here, the undersigned respectfully submits that the cited references, whether alone or in combination, do not teach or suggest all the claim limitations.

Claims 1-3, 5, 8, and 10-12

Neither Rodriguez '029 nor Rodriguez '634, whether alone or in combination, teach or suggest all of the limitations of any of claims 1-3, 5, 8, and 10-12. For example, claim 1, as amended, requires a drive assembly that "includes at least one directional clutch." Claims 2-3, 5, 8, and 10-12 depend from claim 1 and therefore also require a drive assembly that "includes at least one directional clutch." Neither Rodriguez '029 nor Rodriguez '634 teach or suggest a drive assembly with a "directional clutch."

Rodriguez '029 discloses an apparatus for cutting a moving paper web that includes a tape dispenser, an elongated guideway for receiving and guiding the tape, a cutter for cutting the tape, and a brake that triggers the tape to sever the moving paper web. (Rodriguez '029, at Abstract). Rodriguez '029 discloses that the tape dispenser can be manually powered (Rodriguez '029 col. 5, lines 12-19) or could be converted to being "power assisted."¹ (Rodriguez '029 col. 8, lines 56-64). Rodriguez '029, however, does not teach or suggest a drive assembly that includes "at least one directional clutch" as required by claims 1-3, 5, 8, and 10-12 of the present application.

Rodriguez '634 discloses a track and flap assembly for guiding a tape. (Rodriguez '634, at Abstract). Rodriguez '634, like Rodriguez '029, does not teach or suggest a drive assembly that includes "at least one directional clutch" as required by claims 1-3, 5, 8, and 10-12 of the present application.

¹ The undersigned respectfully submits that Rodriguez '029 does not teach a tape dispenser that can be powered both manually and by motor power.

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As neither Rodriguez '029 nor Rodriguez '634 teach or suggest all the limitations of any of claims 1-3, 5, 8, and 10-12, the undersigned respectfully requests the Examiner to withdraw the §103 rejection to these claims.

Claim 21

Neither Rodriguez '029 nor Rodriguez '634, whether alone or in combination, teach or suggest all of the limitations of claim 21. For example, claim 21, as amended, requires a method for operating a system that includes a drive for driving a turn-up tape, wherein the drive includes "at least one directional clutch." Neither Rodriguez '029 nor Rodriguez '634 teach or suggest such a method, as neither Rodriguez '029 nor Rodriguez '634 teach a drive with "at least one directional clutch" as discussed above for claims 1-3, 5, 8, and 10-12. As such, the undersigned respectfully requests the Examiner to withdraw the §103 rejection to claim 21.

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CONCLUSION

In light of the above amendments and remarks, the undersigned is of the opinion that the Office Action has been completely responded to and that the application is in a condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a call to the undersigned attorney at (404) 815-6291 is respectfully solicited. The undersigned authorizes the Commissioner to charge any additional fees that may be due for this Amendment and Response, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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